

**CITY OF SEQUIM
CITY COUNCIL MINUTES
REGULAR MEETING
VIRTUAL LOCATION
FEBRUARY 14, 2022**

EXECUTIVE SESSION

As required by RCW 42.30.110(b), Council met in Executive Session to consider the selection of a site or the acquisition of real estate by lease or purchase. The Executive Session was called to order at 5:45 p.m. by Mayor Tom Ferrell and ended at 6:00 p.m.

MOTION: Councilor Armacost moved to have the City proceed with getting an appraisal of the property discussed during Executive Session. Councilor Lowe seconded. VOTE: 7 in favor, 0 opposed. Motion passes unanimously.

CALL TO ORDER

The City Council of the City of Sequim, Washington, met virtually using videoconferencing and teleconferencing on Monday, February 14, 2022. The regular meeting was called to order at 6:00 p.m. by Mayor Tom Ferrell. The meeting was quorate.

PLEDGE OF ALLEGIANCE

Mayor Ferrell led the flag salute.

ROLL CALL

Acting City Clerk Deschenes conducted roll call. Councilor Rachel Anderson, Councilor William Armacost, Councilor Kathy Downer, Mayor Tom Ferrell, Deputy Mayor Brandon Janisse, Councilor Vicki Lowe, and Councilor Lowell Rathbun were present.

APPROVAL OF FINAL AGENDA

MOTION: Councilor Armacost moved to approve the final agenda as presented. Councilor Downer seconded. VOTE: 7 in favor, 0 opposed. Motion passes unanimously.

PUBLIC COMMENT

Dr. Linda Melos of Sequim commented on the oyster farm at Dungeness Spit and its potential environmental impacts and wanted to voice opposition.

Colleen Robinson, residing within the Sequim School District area, spoke as CEO of Habitat for Humanity of Clallam County, a hand-up not a handout organization. She discussed Habitat's affordable housing programs and the inadequacy of Sequim's current zoning for single family housing. Allowing higher density on undeveloped land is critical for our community to be able to house the workforce in the places where they live and work. She encouraged Council to change the zoning to allow for higher density such as duplexes, triplexes, and fourplex townhome units.

No further public comments were received.

CONSENT AGENDA

Council voted unanimously to approve the consent agenda with the following items:

- 7.1 Claim Vouchers totaling \$794,036.76
- 7.2 Minutes of the Regular City Council Meeting January 24, 2022
- 7.3 Resolution for Newspaper of Record
- 7.4 Police Department Vehicle Purchase
- 7.5 Virtual Meeting Background
- 7.6 Appointment of Beth Pratt to the Lodging Tax Advisory Committee (LTAC)
- 7.7 Appointment of Eileen Cummings and Alex Fane to the Planning Commission
- 7.8 Vac Truck Purchase
- 7.9 United Way Contract

GENERAL BUSINESS

8.1 Hearing Examiner Code

City Attorney Kristina Nelson-Gross referred to the materials submitted to Council on the subject of a hearing examiner system for quasi-judicial matters, which was brought back before Council at their request. The materials contained several options for Council consideration. Staff was looking for clear direction and would answer any questions they might have.

MOTION: Councilor Downer moved to direct the City Attorney to draft legislation about the hearing examiner using Option 4, as recommended by the City's risk pool, WCIA. Councilor Janisse seconded.

Councilor Armacost stated that he was in favor of Option 3. Council was elected by the people and he thinks part of their duty is investing their time, doing due diligence, and representing the public by having a say in those decisions.

Councilor Rathbun said he does not have any background in making legal decisions. He worries that if he participates in a quasi-judicial proceeding his entire life savings could be at risk. He thinks the cheapest and easiest solution is Option 4.

Mayor Ferrell said Council would not be uninvolved in this process, but that Council would have more time for focusing on understanding how the whole process would flow. He also agrees that Option 4 would work.

Councilor Armacost commented that as City employees Council is not put in the position of being held liable and that our risk pool attorney was available to answer questions on that, but rest assured life savings would not be at risk from our actions.

Mayor Ferrell asked the City Attorney whether she was looking for a motion. She said if Council was ready, staff would appreciate a motion with clear direction based on the options presented in the materials so an ordinance could be prepared mirroring the chosen option. Councilor Janisse said that a motion was already made and seconded. City Attorney Nelson-Gross said that that Councilor Downer's motion would provide adequate direction to go forward.

VOTE: 6 in favor, 1 opposed. Motion passes.

8.2 Parks Master Plan Public Hearing and Ordinance

Mayor Ferrell opened the public hearing.

Hannah Merrill, Parks and Facilities Manager, presented an overview of the updated Parks and Open Space Master Plan, which has been worked on over the past year by Public Works staff, the Parks, Arbor, and Recreation Board, and the consultant from Conservation Technix. The proposed plan includes updates to programmatic needs, physical improvements to parks, maintenance and operational needs, volunteer opportunities, and management and funding. The plan is a living document that will require continuing changes. Council amendments from the first touch in January have been incorporated, as well as other mostly typographical corrections received from Councilors subsequent to that meeting.

Councilor Armacost asked the amount of the fee paid to the consultant. Interim Public Works Director Sarah VanAusdle said she would get back to him with that information.

Councilor Armacost asked how much the City has collected in park impact fees in the previous year that remains unspent. Interim Public Works Director VanAusdle said the City has not spent any parks impact fees because we do not have a list of projects to spend them on. She will get back to him on the amount actually collected. Parks and Facilities Manager Merrill said that part of the reason the City does not have a list of projects is that the Parks Plan update has not occurred yet.

Councilor Armacost said that, as heard from Colleen Robinson from Habitat during public comment, it is no secret that Sequim is in desperate need of workforce housing. He said if the City is serious about providing it we need to be really good stewards about looking at our fees and the cost of doing business from a developer point of view. He said when he was on the original formation of the Sequim Health and Housing Collaborative the main impediment to multi-family housing they heard about from contractors was the fees. In the current economy it will be hard to genuinely address the need if the City continues to raise rates.

Interim Public Works Director VanAusdle said that the Parks consultant fee was \$50,000 (answering Councilor Armacost's question from earlier). She said we're not adopting impact fees tonight. That was taken off the agenda so the department can do more in depth financial analysis of what would happen if the City chose various alternatives to impact fees, and what projects could be done or not done. She wants to be able to give good history, good analysis, and good options.

Mayor Ferrell said there are no budget implications on passing the Plan tonight.

Councilor Downer said that any time we reduce fees we should have something in writing from the developer saying that the cost savings will be passed along to the buyer of the house.

Mayor Ferrell said that Councilor Downer's concerns will be an active part of the discussion when the potential implications of impact fees are brought up at a future meeting.

Interim Public Works Director VanAusdle said that impact fee revenue from 2021 was \$157,000. It was not spent.

Mayor Ferrell asked for public comment. No comments were received. Mayor Ferrell closed the public hearing and asked for motions.

MOTION: Councilor Janisse moved to approve the ordinance adopting the Sequim 2022 Citywide Parks and Open Space Plan. Councilor Downer seconded.

Councilor Armacost asked for confirmation that we were not agreeing to any fees, just moving the ordinance ahead. Mayor Ferrell said that is absolutely correct.

VOTE: 7 in favor, 0 opposed. Motion passes unanimously.

8.3 Parks Impact Fees Public Hearing (Postponed)

Mayor Ferrell said that this matter has been postponed to a future meeting while we await further analysis from Public Works. Acting City Clerk Deschenes said that notice of the public hearing would be published when it comes back around.

8.4 Home Subdivision Public Hearing and Ordinance

Mayor Ferrell read the introduction and procedural rules for quasi-judicial public hearings and opened the hearing. on Home Division B Preliminary Subdivision SUB19-001. He asked for Councilors to disclose appearance of fairness issues.

Councilor Janisse said he had one ex parte contact to disclose, an email from Ben Fisher which he forwarded to City Attorney Nelson-Gross and asked whether he needed to recuse himself.

Mayor Ferrell asked whether there was an outcome to that.

City Attorney Nelson-Gross said that Councilor Janisse, after stating the ex parte contact for the record, could disclose the contents of the email and the applicant would have the opportunity to rebut it or address it during their presentation. The applicant would not be saddled with the 3-minute limitation.

Councilor Downer disclosed that Mr. Fisher had emailed her twice. The second time was today.

City Attorney Nelson-Gross said she suspected all Councilors had received the same email and suggested that the contents of the communication be disclosed on the record to expedite the process, then we would ask the applicant or their representative if they wanted to rebut now or wait for their presentation. She said Councilor Janisse or Downer could disclose the contents of the email, and then if any Councilor had responded to the email, they would need to disclose the contents of their response.

Councilor Janisse described the contents of his response to Mr. Fisher, which was that he could not comment due to the appearance of fairness issue and at the public hearing he could ask questions and get responses.

City Attorney Nelson-Gross asked Acting City Clerk Deschenes whether the email Councilors had received earlier was the same as the comment the City had received from Mr. Fisher before this public hearing. Deschenes confirmed. Nelson-Gross said that the content was in relation to stormwater and things of that nature. Deschenes said that was correct.

Councilor Armacost asked Councilor Janisse to share some content from the email. Councilor Janisse said there was mention of a homeless issue on 7th, Jara Way, development of division fee, submitted a letter to Council ahead of the February 14th meeting, Phase A lives on private streets, wanted to see about bringing those into City owned, "road Island", stormwater storage, maintenance of stormwater facilities, make sure future development south of Happy Valley have adequate drainage and water pressure. Meets code but there was an issue. Not being able to run fire hoses.

Councilor Rathbun said he also replied to Mr. Fisher's email letting him know he was aware of his concerns. Councilor Rathbun also lives in a subdivision that he considers has a road island problem and doesn't know if he can be impartial on that issue.

City Attorney Nelson-Gross noted that Bruce Emery was present on behalf of the applicant and asked him whether he wanted to respond to anything he had heard so far.

Bruce Emery said he had no problems with the common receipt by Council of the email from Ben Fisher. He said those concerns are all being worked on and he has a good relationship with Mr. Fisher and the HOA. They will work through the majority of the issues. He doesn't think any Councilor needs to be recused on the road island issue. For him it's a matter of what the code allows and in fact requires. That's all he'll say on that, and let the process play out.

City Attorney Nelson-Gross said she agreed and told Councilor Rathbun that Council is required to review the project under the codes as they are currently enacted. If he truly believes he cannot be unbiased and follow the code, he would need to recuse himself. If he believes he can follow the code even if he finds it distasteful, that is sufficient for him to stay on as a decisionmaker, knowing that if Council chooses to take up the private/public road issue that is appropriate to do in Council's legislative role and not applicable to this project.

Councilor Rathbun said he believed he was capable of following the code.

City Attorney Nelson-Gross said that given there were no objections from the applicant, she believed the currently disclosed issues had been resolved.

Councilor Armacost commented on issues related to the Legacy Ridge project and people living below it experiencing a continuing problem with the volume of water, noisy sump pumps, side yard setbacks, and less absorbable ground.

City Attorney Nelson-Gross said that this portion of the meeting was for disclosing appearance of fairness and other ex parte contact.

Mayor Ferrell asked whether Councilor Armacost was leading up to disclosing an inability to be fairly involved in a decision.

City Attorney Nelson-Gross said she was sure Councilor Armacost would have stopped her and set her straight on that.

Mayor Ferrell asked the City Manager if staff had any testimony. City Manager Matthew Huish said yes.

Tim Woolett, Senior Planner, Department of Community Development, said this was the Preliminary Subdivision Review of Home Division B, application number SUB19-001. He said he would give a slideshow presentation and then entertain questions. Bruce

Emery, the applicant's engineer, and Don Ctibor, the City's engineer, would also be available for questions.

Senior Planner Woollett presented a detailed PowerPoint on the proposed project and the City's review criteria and recommended that the project be approved with the conditions outlined in the staff report. He asked for questions.

Councilor Rathbun asked about the water pressure issue, and discussions about increasing an 8" water main to a 10" water main. Has that issue been resolved? Has the archeological investigation been completed? Will the stormwater from this development be dumped into a 24" main that narrows into an 8" main before it goes back. People he heard from seemed to think the new stormwater runoff would not pass through this 8" main. His last issue is road islands, which to him are places where traffic has to pass over private roads before it goes to a public road again. He thinks all that traffic over private roads is causing expense for the people owning the road, so they end up subsidizing the traffic for a neighborhood that doesn't directly pay it back. He offers the suggestion that the new development's developers work with the homeowners or homeowners' association, and work with the City, to bring those private roads up to a condition where the City could take those roads over. He thinks that would be a win-win situation.

Senior Planner Woollett said those are all good points and they have been looked into. Water pressure lines are required to be upgraded to 12" main to solve that problem. He believes the applicant has worked with the Tribe on archeology and historic preservation; the applicant should confirm during their presentation or give us a schedule. It has to be done before any site construction permits are issued. He will defer the technical stormwater issues to the applicant's engineer and the City's engineer. The road island issues are very good points, and were discussed. However we can't require the applicant to do that. He believes the engineers for the applicant and the City will respond to that.

City Engineer Don Ctibor said the City's utilities manager, Pete Tjemsland, was concerned about water pressure, so the developer's engineer and the City's contract engineer were going to meet and do a hydraulics analysis to present what the demands are going to be. The City will go through and make sure we can supply that. If not, then we'll look into booster pumps and other alternative methods. That's for the first nine or ten homes. After that, they'll have to connect to the system. We sent them over a previous engineering design that showed a 12" main. Stormwater will be addressed on site with multiple infiltration areas. The engineer was very conservative in his calculations and spread the infiltration areas throughout the site.

Senior Planner Woollett asked whether City Engineer Ctibor had any input about the road island issue and traversing of private roads, or anything to offer about the condition of roads, or what it would take for the City to acquire those roads as public right of way.

City Attorney Nelson-Gross interjected that that matter was a separate policy conversation for Council and not pertinent to the current matter that we have.

City Engineer Ctibor asked whether Councilor Rathbun's questions had been satisfied.

Councilor Rathbun accepted his answers.

Councilor Downer asked whether this would be considered a road island if it doesn't provide a shortcut to any place.

Senior Planner Woolett said that both of the roads leading to this subdivision are private and there would be a public road in the middle of that. A typical example is snow-plowing; the City would need to drive across private roads to plow.

Councilor Janisse asked for the water pressure issue to be reiterated.

City Engineer Ctibor said that concerns were raised about water pressure so the developer is going to go back and do a hydraulic analysis to prove they will have above the minimum pressure.

Councilor Janisse asked whether he was referring to the new subdivision, not the comments from current residents.

City Engineer Ctibor said yes, the new subdivision, not the current residents.

Senior Planner Woolett asked whether it will benefit the current residents.

City Engineer Ctibor said we will be looking to see if it has capacity to serve them as well and still maintain minimum pressures.

Councilor Janisse asked about looping it.

City Engineer Ctibor said it will be looped later on. This is just for the first nine to ten homes. After that it gets looped and the bigger lines get installed.

Councilor Janisse said, so prior to the building permits being issued the hydraulics and water pressure tests will be done?

City Engineer Ctibor said if they can't establish there will be adequate water pressure, they won't be able to build until they have alternative means.

Senior Planner Woolett clarified that there won't be a final plat approval of the first phase until that's been decided. We can't allow a final subdivision to go in and then turn down building permits because they don't have water pressure. That will be resolved before Council approves the final plat.

Councilor Janisse said there may need to be a separate policy discussion on the issue. He said he knows the water runoff gets bad at the entrance to the preexisting subdivisions. Is it still going to continue all the way down to 101 into the drainage pond by Sequim Avenue, where it comes out of the hillside?

City Engineer Ctibor said it will continue to go to the same place. Basically what we will do is contain the difference between the pre- and post-development flows on site. The previous storm drain that flows through the pipe and any other channels will continue.

Councilor Janisse said he wanted to ensure that the new subdivision's stormwater was adequate so it would not compound the problem at the bottom end.

City Engineer Ctibor said that for the design of the stormwater retention and infiltration the developer's engineer took what was tested and designed it for one-third of that infiltration rate. We will have three times what he's calculated.

Councilor Janisse said it makes sense. Especially if the City was to take over the private roads it's better not to have a sinkhole where the water collects.

Mayor Ferrell asked for more questions of staff; hearing none, the developer was asked for their presentation.

Bruce Emery, project manager for Northpoint Construction, said that he wanted to address some of Council's concerns, which were valid. He said their engineer was present to answer technical questions. He said there is a water pressure issue that they will eventually solve. A complicating factor is the water will actually come from the 480 well up on Reservoir Road and come through the Legacy Ridge property. They have the road network and wetland mitigation already planned on that property. So we have to work through the details of following that corridor, making sure the water main is within the City right-of-way. We have to coordinate with Legacy Ridge because part of their project is the construction of 7th Street. Rather than requiring this connection to be made up front, if we can demonstrate that the first nine lots in Phase 1 can be done without dropping the service levels below City and Department of Health required pressures and flows, then we can get that project moving forward while simultaneously working with Legacy Ridge to get the new water system connection in. By Phase 2 we know it will be in because somewhere in there is where that cutoff point is, where if we added more connections it would drop the system below its minimum service level. It is to our interest to solve the problem and it will benefit the community. It will be resolved through the site construction permit process with Public Works.

The archeological investigation was delayed because their original consultant was unavailable. Now they've hired the same archeologist as Legacy Ridge and the site reconnaissance will occur within the next couple of days and the report within a couple of weeks. They won't do anything out there until the report is done and the City and Tribes have reviewed and approved it. There's a lot of history on this site. There are cobbles in the Garry oak grove that the farmers used and there's a burnt layer indicating

the land was managed for hunting or crop raising. It will be interesting to see what the archeologists find. Possibly the project will go no further, but he hopes the signs will show minimal, infrequent use and no settlements. Obviously if there is it will be addressed according to state and City code.

Their original plan for stormwater runoff was to do a traditional pond. There's a blessing and a curse with the geology on this site. The curse is that the water table in the winter can come up to within four feet of the surface so you can't do traditional drywells or ponds because they'll never drain. Their engineer designed a series of bio-infiltration trenches that treat and distribute the stormwater in a way that mimics pre-development conditions. They plan to improve the berm that runs along the base of the slope so the existing ditch that used to run out onto the ground will be channeled into that bermed historic ditch and into the line that will move it off the site and minimize the amount of stormwater that's actually entering the ground from that area. That is the challenge they face. There are actually areas lower than we are that experience groundwater perching during high rain events and it causes serious problems. We want to do what we can to not add to that, and if possible help to curb it a little with our engineering here.

Lastly, with regard to the road islands, the Phase B portion of the Home Subdivision has CC&Rs that make all new owners automatic members and ratepayers for road maintenance and future rebuilding of the private sections. They will already be participants in the maintenance of the roads so it's a net benefit to existing owners even with increased use because there is a commensurate distribution of the burden. By keeping the rest of the road public, if and when the opportunity is right to consider switching private roads to public streets then it's an easy nexus. He understands the concern about having isolated road islands in public streets, but number one you have a utilities easement already so the City is able to access it, but it's also another piece of the puzzle if and when the private streets are brought up to standard and made public. When you evaluate the situation in its entirety it's better than keeping it private.

Mr. Emery discussed the requested modifications. In response to the City requirement for a stream and wetland study he said the property does not have any wetlands and the streams don't make it along the hillside to their property. There's a wetland on the Legacy Ridge property that's about 150 feet to the south of their property. They want to keep that condition on for the City's sake but they will do field verification with the City, and if a study is required they'll do one then. They have already done an analysis on the landslide hazard and it will be designated on the plat map. He asked for questions and said he'd like the opportunity to respond to public comments too.

Mayor Ferrell asked for further questions and comments from Council. Hearing none, he opened the hearing for public comment.

Acting City Clerk Deschenes explained the process for public comment and asked for comments in favor of the project first.

Mr. Graham, the vice president of the existing Home Estates homeowners association, was administered the oath and then asked questions about the exit to East Quail Way. He's seen some drawings that show it and other drawings that don't. He doesn't know what's intended. He is a bicycle rider who lives on the corner of Rolling Hills Way and Jara Way. The neighborhood is very walkable and there are lots of walkers and bikers. He wants to keep the friendly sidewalk feeling and also try to get a bicycle exit onto East Quail Way if that's possible. A lot of pedestrians and bikers use that route and go round trip from Falcon Road then back down around. It would be nice to keep that going with the new development. He'd also like to see improvements to 7th Avenue. He's in favor of the development and hopes it will be a success as long as the stormwater is addressed, particularly down around Cherry Blossom Estates. Everything that comes off this property will head that way so we need to start dealing with that.

Ben Fisher, the president of the Home Property Owners Association, was administered the oath and said he was generally in favor of the project but had a few questions and comments. Who owns and who is responsible for the 24" catchment system that runs along the east side of the property going north and south? His understanding is that it is not their Association's responsibility and he wants to make sure they don't have to take on responsibility for maintaining a system that doesn't benefit them and was not of their making. Secondly, he wants developer to carefully consider the impact this project will have on properties to the north. As he said in his written comments of February 1st, he has spent over \$35,000 trying to mitigate stormwater intrusion underneath his house. He knows people on Cherry Blossom Lane are having similar issues. This must be done right, and this is their chance to get this done right. We don't want to make the problem worse by not getting the engineering done right. He hasn't heard how the drainage going through that 24" catchment system is going through and out to Silberhorn Road. It sounds like it goes from a 24" line into an 8" line. He doesn't think that's working now and if you add more to it it's not going to work in the future.

There were no further commenters in favor of the project.

Mayor Ferrell asked for commenters opposed to the project, or neutral.

There were no comments from opponents to the project, or from neutral commenters. The Mayor gave the project proponent the opportunity to respond to the comments that were received.

Bruce Emery responded to the public comments. Regarding the East Quail Lane extension, there is an unopened proposed right-of-way that the City requested during review of the application. There is a Comprehensive Plan transportation requirement that developers of subdivisions take opportunities to make connections. This is to avoid subdivisions becoming like fortresses, with cul-de-sacs, and instead take advantage of nexuses to other streets. That said, there is the issue of private streets in Home Subdivision, so simply providing the right-of-way, that's unopened, allows that to be opened in the future. It's basically no man's land. It's City property that can be opened if and when that opportunity is realized. It's for the future, in essence.

Regarding the 24" catchment system, a 24" culvert was installed at the base of the slope. The developer is a successor to the previous owner, who had set up an easement for stormwater conveyance. The deed was crafted to heirs and assigns. The easement that was set up not only cuts through developer's property, but crosses Comfort Way and cuts through a portion of Home Phase A. He assumes that when the deed was created all of Home Phase A also had a right to that same easement. So it's really an easement that has shared interests between developer and the HOA, as owners of the private streets and the easement itself. This needs to be worked out, but once the developer sells, it automatically goes to the HOA anyway. This was set up before anybody moved in; they're just using it for what it was designed for. Their plan is to do a camera search, make sure it's fully maintained, make sure it's in complete working order before they sell lots or transfer ownership sequentially as they sell property out of this phase of the development. They will also be developing an O&M agreement per City code because maintenance of stormwater facilities is required.

He said they are very concerned about homeowners' expenses and heartache in trying to mitigate stormwater issues. Their intent is to add no new impact and hopefully curb some of the impact that's already felt. Adding new impact wouldn't be good for them and would be a violation of code. They are relying on their engineer's work. The Public Works Department will be reviewing and approving the final product so the facilities can be built and the problems dealt with.

Mayor Ferrell asked for further staff comment.

Senior Planner Woolett said that with regard to the East Quail right-of-way, the City requires connectivity with adjacent lands and subdivisions and road systems. So they have that installed for the time when the property to the west develops. They wouldn't be able to do it after the fact. He asked whether the developer's engineer is available for any detailed information, if needed.

Seth Rodman, civil engineer, of Zenovic and Associates appeared to answer questions.

Senior Planner Woolett asked him to address the stormwater issues Mr. Fisher brought up.

Mr. Rodman said there are a couple of issues. He said obviously there's the 24" catchment that runs along the base of the hill. This project won't be adding water to that system. That's actually the upper end of this property. They will be improving that a little bit just to make sure we don't have any impacts for this property from water running off the hill. The design of the system throughout the site will use low impact development techniques like rain gardens and bioretention areas wherever possible. For streets there will be a roadside swale. Runoff from the residences will be directed to shallow infiltration trenches and/or raingardens, and there will be raingardens for the driveways. They will spread out the water as much as they can on the site. They are required to meet pre-development conditions for the site. Pre-development conditions for this site

were determined to be forested, so the runoff rates will be less than what is coming off that site currently. That's the design standard from Department of Ecology and City of Sequim. They're keeping things shallow because they know they have some groundwater that comes up in the winter months. In the rest of the year they can't find it.

Senior Planner Woollett said he just received a comment from someone who can't raise her hand to comment, Tiffany Brown.

IT Manager Anthony Martin said he didn't have a Tiffany Brown in attendance at the meeting at that point. He said he believed the public comment portion of the meeting had ended.

Mayor Ferrell said he hadn't closed public comment yet and asked the City Attorney whether Ms. Brown could be added.

City Attorney Nelson-Gross said that she believed Ms. Brown had submitted a written comment because she received it as well. She believes they want to add an easement to the record and she saw no issue with adding this easement as part of the City's record.

Senior Planner Woollett said the City requires easements for all stormwater facilities so they can be maintained. We want to make sure it's the proper one. For the record, Tiffany Brown is one of the developers for the Legacy Ridge project. Part of their stormwater will go down in that lower area, so we just want to make sure that line is preserved and protected. That's a final plat requirement and we will make sure that happens.

Mayor Ferrell asked if Councilors had any further questions for the applicant, speakers, or staff. Hearing none, he closed the public hearing, then asked for affirmative motions.

MOTION: Councilor Lowe moved to approve the Home Division B Preliminary Major Subdivision subject to the conditions of approval and mitigation measures as set forth in the staff report, and subject to all City regulations, standards, and requirements, whether articulated or not in the staff report, and to adopt the Planning Commission's findings and conclusions in support of the Council's approval. Councilor Janisse seconded.

Acting City Clerk Deschenes asked Senior Planner Woollett if there are additions based on the conversation this afternoon.

Senior Planner Woollett asked that the motion be modified to include to approve with modifications to include the revised conditions we received based on DCD's meeting with Public Works earlier so we have it in the record, and he will make those changes prior to notice of decision for Council approval.

City Attorney Nelson-Gross said that if Council was inclined to do that they would need to withdraw the prior motion because it has been motioned and seconded, and restate the second motion.

Councilor Lowe withdrew the motion.

MOTION: Councilor Lowe moved to approve with modifications the Home Division B Preliminary Major Subdivision subject to the conditions of approval and mitigation measures as set forth in the staff report, and subject to all City regulations, standards, and requirements, whether articulated or not in the staff report, and to adopt the Planning Commission's findings and conclusions in support of the Council's approval. Councilor Downer seconded.

VOTE: 7 in favor, 0 opposed. Motion passes unanimously.

Mayor Ferrell asked the City Manager to prepare the findings for adoption on the next agenda.

8.5 Site Construction Interim Control Ordinance

Interim Public Works Director Sarah VanAusdle formally introduced City Engineer Don Ctibor to Council.

Interim Public Works Director VanAusdle gave a presentation on the subject matter of the proposed Interim Control Ordinance for site construction regulations. She described how a site construction permit is different from a building permit, and said that this permit will not apply to single family residences as long as all the site construction requirements are covered in the single family residence building permit itself. She said that the current code language doesn't provide clear authority for site construction permits and staff is trying to rectify that. Development is booming, and in order to provide immediate clarity for developers and builders, staff is offering this as an interim control ordinance. The ICO can be adopted for six months as long as there's a public hearing within 60 days. Meanwhile they will be going through SEPA and Commerce. She asked for Council's questions and comments, or a motion.

Councilor Rathbun asked if site construction permitting included archeological considerations. He also didn't see language in the proposed code about traffic impacts while the construction is going. Will there be discussion about what we do about the road island effect? He said he'd heard from a local developer that the City seems to have a "fix it until we get it right" approach and he's in favor of a "get it right the first time" approach so there's not a back and forth effect between the City and developers. Maybe some of this work will need to be outsourced in case staff are already stretched to the max. Let's get it right the first time is much more constructive and everybody wins.

City Engineer Ctibor agreed there was a big issue with not having clear expectations up front with the developers and contractors. Staff have had numerous meetings with individuals and groups and received input on code language and intake checklists. We would like them to have our review checklist up front so they know everything we'll be looking at. We'd rather give them too much information than not enough. "Oh by the ways" are expensive for contractors. Not having the information universally available means the process takes much longer than should be required. If it's confusing regarding all the pertinent traffic, hydraulics, hydrology studies that they may or may not require, that's why the City has pre-development, pre-construction meetings with them, to go through things and resolve issues. Staff can discuss the project in the field so that when the developer applies their application can be as complete as possible. This new chapter fills in a lot of the voids and gives links to codes we currently have and use, but this is cleaner. The things mentioned by Councilor Rathbun should be caught in the preliminary development design review. The transportation, stormwater, SEPA, archeological studies, are all addressed there. However, this code allows a secondary check. If any of that was missed, it would need to be addressed on this. Most of the issues will be checked off as already completed.

Interim Public Works Director VanAusdle said that adoption of site construction code language is just one piece of the solution staff is working on so developers and contractors will know up front what the City expects from them in order to process their permits in a timely manner. There's more of that going on behind the scenes.

Mayor Ferrell said every system, every regulation, everything we do, it's always a good thing to smooth out and expedite processes.

Councilor Downer said she wanted to disclose that she was at the meeting with Councilor Rathbun when the developer Westerra gave them an earful. She said they sat and listened and didn't promise anything. She hopes this evening's proposed change will be the first step toward healing between the contractors and the City. They will know what they will need to provide up front and won't be shuffled from department to department.

City Manager Huish said this is an interim step that is the result of a big meeting with developers and contractors about their concerns and doing process improvements. This is a direct response to the community. We heard three things from all of the contractors and this will address all those things.

Councilor Armacost welcomed City Engineer Ctibor. He said this has been an ongoing challenge with our developers and it's good that we're getting on the right page, with the right people in the right places. He's excited about what the future can hold. He thinks we'll see positive growth in an expedited way.

Councilor Rathbun said in the engineering business the members of a team get together and there's a synergy. He didn't want to sort people into good guys and bad guys.

Mayor Ferrell said this sounds like a clearly defined process improvement engagement, across every system we have, well thought out, methodical. He asked for motions if there were no more questions.

MOTION: Councilor Armacost moved to adopt the interim control ordinance adopting new municipal code chapter 15.06, Site Construction and Right-Of-Way Permits. Councilor Lowe seconded.

VOTE: 7 in favor, 0 opposed. Motion passes unanimously.

9. REPORTS

9.1 *City Manager*

City Manager Huish discussed the regional letter of joint support for Simdars interchange with frontage road. He believes it was the County Commissioners' idea to submit a joint letter. The proposed letter is in the Council packet to get their input and make sure staff has their support before they submit something like that. He said that Interim Public Works Director VanAusdle had looked at the original budget and legislative description of the project scope and pointed out that the scope included completing the Simdars Road interchange and constructing a frontage road connecting Palo Alto and Happy Valley Roads to the Simdars interchange. There was no talk in the original scope of a roundabout. He therefore thinks this letter is in line with the original legislative intent. He asked staff whether this was for discussion.

Acting City Clerk Charisse Deschenes said that staff were just looking for a vote from Council in support of the letter, and if they want to add anything.

Mayor Ferrell asked if anyone has any objection to the letter with the understanding that it was going to be crafted further.

No objections from Council.

City Manager Huish said there had been a strong community response to the online survey.

He discussed the recent Home Depot shoplifting prevention event the Sequim Police Department participated in. He read portions of an effusive letter of thanks from Home Depot's regional Asset Protection Manager to the City and its law enforcement officers for being a true embodiment of community policing.

The City is still looking to fill key positions in the staff, including director of public works, director of community development, city clerk, and deputy administrative services director and several others. We're doing what we can to replace senior management staff.

Mayor Ferrell said Council should appreciate and keep in mind that staff are very short handed. He said as far as the police force, it's a well run force with good people.

City Manager Huish said he'd looked over the police department's reporting on minimal use of force, deescalation, and training and the data was impressive and we should be proud.

9.2 Council Committee Reports

Councilor Armacost reported on the Healing Center advisory meeting. He said they met on site and had a tour of the facility, which is beautiful and nothing was spared to make sure it meets the needs of the community. The biggest accomplishment was picking the Sequim city resident to sit on the board, former dentist Randy Tierney. Councilor Armacost has known Mr. Tierney for 27 years and he's an honorable person who will do a good job. He said that per Sheriff Benedict there is a large uptick in the homeless situation as well as ordinances on camping and motor home occupation. The sheriff was disappointed and concerned with how Port Angeles was addressing this. The Council brought this up last October as far as camping overnight in parks. We may want to put this on our radar and try to get ahead of it before those problems proceed further. This is not indicating it is going to be coming from the healing clinic, but the physical reality of what we're seeing happening on the Olympic Peninsula. We have an opportunity to get ahead of it. Just like with the development ordinance, if we get all our ducks in a row ahead of time we can address it before it appears in our area. Costco just added signage for no overnight camping in their parking lot. He spoke with the manager of Costco who has been assertive in addressing anyone who is trying to camp overnight in their parking lot. A lot of good things are happening with our community. We are blessed to have outstanding direction from Chief Crain and our law enforcement officers and need to support them as well.

Councilor Anderson reported on the NODC meeting. There were project updates on rural business development grants, which have been kicked out for a year. There will be farmer-to-farmland matchups. Forestry strategy development is being worked on. EDA planning grant and EDA CARES Act grant has free tech help support. It ends in June. They're looking into regional natural disaster planning to proactively plan for things like landslides. Discussed broadband and EPA climate change planning grant.

Mayor Ferrell was on the interview panel for planning commission and thinks the new appointees will do a good job. He said in the near future Council should discuss the committee reports section of the meeting.

OPEN COUNCIL DISCUSSION

Councilor Downer said she had a tour of the great city of Sequim, the water plant, sewer plant, parks. Public Works people's enthusiasm and expertise was awesome. She will be volunteering for the Sunshine Festival with the bands backstage. She's also attending State Transportation Budget meeting and Transit Authority meetings soon. She'd also like to thank IT for fixing her wonky, sideways computer that morning. We're spoiled by our wonderful staff.

Councilor Rathbun said he also attended the tour of City facilities with Councilor Downer and staff arranged by Interim Public Works Director VanAusdle. He said the water treatment plant is a gem of a facility for the City. He also toured the city shops and our entire water department is located in a tiny building right on the edge of Bell Creek. There's a plan for improving this and we should be in support of that.

Councilor Lowe thanked Mayor Ferrell for handling the meeting tonight.

Councilor Anderson went on the tour also and said everyone should take the City tour. She's toured all kinds of places around the world and that was her favorite. It was so educational. This city is run by amazing, knowledgeable staff and she's grateful to be able to work with them. She also brought up the Council retreat. We try to have one in the first quarter. Is staff working on that? She's looking forward to it.

Mayor Ferrell said he personally thinks we should be looking at June/July, a year from the last one, since we have a new Council and we're understaffed. Council generally agreed that would be a good time. Councilor Anderson agreed but wants to stay proactive about it.

Assistant City Manager/Acting City Clerk Deschenes said that looking at the past Council goals that have been approved, knowing that you want to lay out your direction as Councilors you might want to discuss that and let staff know. There are a number of items that are kind of looming. The City Manager can talk about that. There are some things that staff needs to rely on, like budget season. The Council advance happens and you set those goals and give direction to staff so we can prepare the budget for the following year and give us time to really think about that under our work plans moving forward.

City Manager Huish said he is purposely not trying to push for a lot of goals from the departments because we're missing two department directors. Everybody's just busy. We need some leadership here for their input on their own departments. But for budget purposes we will need some guidance as we get closer. We can talk about that during agenda planning.

Mayor Ferrell's computer battery died and he left the meeting. Deputy Mayor Janisse took over.

Deputy Mayor Janisse said that staff is professional at it now. If you want to get a head start on addressing road island issues, staff might prefer some direction to at least reach out to the HOA to start talking about potentially taking over their streets.

City Attorney Nelson-Gross said if that is Council's intent we would need full Council's clear direction on that. If Council directs us to continue to move forward with public streets and not entertain any idea of private streets, that's fine. We just need clear direction on that.

Deputy Mayor Janisse said he'd make sure it was put out for the next agenda. He asked for further open discussion and there was none.

PLANNING

The next Regular City Council Meeting will occur virtually on February 28, 2022, at 6:00 PM.

ADJOURNMENT

With no further business before the Council and hearing no objection, Deputy Mayor Janisse announced meeting adjournment at 8:31 p.m.

Tom Ferrell, Mayor

Attest:

Charisse Deschenes, Acting City Clerk